



Personnel and Administrative Policy and Procedure

SUBJECT: Health Insurance Portability and Accountability Act (HIPAA)	EFFECTIVE DATE: January 15, 2008 REVIEWED: May 2011 REVISED:
CATEGORY: 200 POLICY NUMBER: 200.24	CROSS REFERENCE:

Purpose: To ensure compliance with the Health Information Privacy and Accountability Act (HIPAA), which was enacted to give individual's new rights and protection against the misuse or disclosure of their health records.

Definitions

Protected Health Information (PHI): Information that is created or received by a health care provider and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; and/or that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

Individually Identifiable Health Information: Information, including demographic data, that relates to: the individual's past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

HIPAA Privacy Officer: The Human Resources Assistant shall serve as the HIPAA privacy officer responsible for tracking all HIPAA authorization forms and ensuring that they are kept in a secured location.

Objective: To ensure compliance with Federal legislation.

Scope: All employees.

Policy: All reasonable steps will be taken to maintain the confidentiality of an employee's health information. All medical records are kept in files separate from the employee's official personnel file. When the City needs to obtain protected health information for job related purposes, the applicant or employee will be asked to sign an authorization form.

Guidelines for Use: An applicant or employee will be required to sign a HIPAA authorization form when the City is seeking job related medical information. If the employee or treating health professional voluntarily provides this information, the City will not require a signed authorization form.

Federal Regulations explicitly exclude some employment records held by the City in its role as an employer from the HIPAA medical record requirements. (67 Fed. Reg. 53181, 53192 (August 14, 2002) Records that are exempt from the HIPAA requirements include the following: Workers' compensation health records may be disclosed by the workers' compensation carrier to the City without the City obtaining a

signed authorization form, FMLA/OFLA health information, ADA Accommodation Requests and supporting documentation, occupational injury, disability insurance eligibility, sick-leave request, drug screenings, fitness-for-duty tests, and injured worker return-to-work may be provided to the City and held in secure medical files. This means that the applicant or employee does not have to complete an authorization form for those required by law to have access to these records.

Procedures

Medical Records

All medical records will be kept in locked, secured files separate from personnel records in order to reasonably safeguard Protected Health Information (PHI) for any intentional or unintentional use or disclosure. Safeguarding of Protected Health Information includes information communicated in any format such as electronically, on paper, and/or orally.

Disclosures of PHI Pursuant to an Authorization

Prior to seeking medical information of an applicant or employee, the City will obtain a signed authorization form which indicates the medical records being sought, the purpose of obtaining those records, and the consequences of those records not being released.

PHI may be disclosed for any purpose if the participant provides an authorization that satisfies all the HIPAA requirements for a valid authorization. The City of Milwaukie Authorization for the Use or Disclosure of Health Information Form meets the HIPAA requirements. All uses and disclosures made pursuant to a signed authorization must be consistent with the terms and conditions of the authorization. Should an employee request release of information from his/her medical file to a third party a copy of the signed authorization will be placed in the employee's medical file.

The City will have applicants for employment sign an authorization form prior to sending the applicant for pre-employment drug screen or physical examination. Anytime the City is seeking medical information of an employee, the City will have the employee sign an authorization form to have the information released. The employee may obtain medical information from the treating physician and voluntarily provide that to the City without the City obtaining an authorization form. An example of this would be an employee providing a release from work for medical reasons or a release to return to work following leave for medical purposes, and documents for the purposes of applying for OFLA/FMLA or seeking reasonable accommodation under ADA.

Privacy Notices: Privacy Notices will be the responsibility of the health insurance plan carriers.

Responsibilities

Privacy Official and Contact Person

The HIPAA Privacy Official for the City of Milwaukie is:
Human Resources Assistant
City of Milwaukie
10722 SE Main St.
Milwaukie, OR 97222
503-786-7507

The Privacy Official is responsible for the development and implementation of the privacy policies and procedures. The Privacy Official will also serve as the contact person for employees who have questions, concerns, or complaints about the privacy of their PHI and shall be able to provide further information or

refer the employee to the appropriate contact person regarding matters covered by the Health Plan's Notice of Privacy Practices (NPP).

Human Resources:

- Provide applicants and employees with the appropriate authorization forms.
- Secure all medical information separate from employee personnel files.
- Place signed HIPPA authorization forms for employees in the employee's medical file.